REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 6 is requested to be canceled without prejudice or disclaimer.

Claims 1, 9, 19, 26, 28, 30, 36 and 37 are currently being amended.

This amendment changes and removes claims within this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-5 and 7-37 are now pending in this application.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-4, 6-16, 18-22, 24-33 and 35-37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,796,082 to Ostermann *et al.* (hereinafter "Ostermann"). As to canceled claim 6, the rejection is moot. Applicant respectfully traverses the rejection of claims 1-4, 7-16, 18-22, 24-33 and 35-37 for the following reasons.

Embodiments of the present invention relate to streaming content in a multimedia messaging service (MMS), such as in a mobile MMS. In accordance with embodiments of the present invention, a network entity, such as a server, receives a multimedia message that contains a video and/or audio component that is formatted according to a video and/or audio media format, respectively. Once the message is received, the server forwards some components as message components and replaces other components with a descriptor, which allows for the user agent (UA) to initiate a streaming session after retrieving that media component. In accordance with embodiments of the present invention, the user agent may utilize a link, or a pointer, to obtain session description data (SDD). Accordingly, independent claim 1 recites "obtaining session description data using the pointer ...." Independent claims 9, 19, 26, 28, 36 and 37 each recite a similar feature.

Ostermann fails to teach or suggest at least this feature of the claimed invention. Ostermann relates to a person-to-person messaging system, which produces an animated head with simulated lip movements to the voice of a speaker. This messaging process of Ostermann includes sending a primary electronic mail (e-mail) or instant message that contains a link to a message. After the link is followed, the server sends the necessary parameters (e.g., text), to the client software that is responsible for performing the animated presentation. When no software is available or it is disabled, the server then generates an animated video, which is sent to the recipient through use of ordinary video streaming software (e.g., RealPlayer). *See* Col. 7 Line 63 - Col. 8, Line 3. Thus, regardless of whether client software or a media player is utilized, when the message is transmitted to the recipient, there is no establishment of a streaming session by sending a descriptor containing information, or session description data (SDD), in order to begin streaming. Thus, Ostermann fails to teach or suggest the use of a pointer to obtain any session description data.

Additionally, Ostermann fails to teach or suggest additional features of the claimed invention. For example, embodiments of the present invention include multimedia messages which contain both streamable and non-streamable content. For example, reference may be made to the originally filed specification at paragraphs [0059], [0061], [0091] and [0109]. Accordingly, independent claim 1 has been amended to recite that the user agent separates "a non-streamable media component from the multimedia message transmission." Independent claims 9, 19, 26, 28, 36 and 37, as amended, each recite a similar feature.

In sharp contrast, Ostermann discloses a message, such as a text, delivered to the messaging server. The text is converted to an animated presentation either by the recipient or by the server. See Ostermann, col. 4, lines 54-59, which discloses that "[o]nce the sender finishes creating the multi-media message and sends the message, the Internet 62 transmits the message text with emoticons and other chosen parameters to a text-to-speech (TTS) server 66 that communicates with an animation or face server 68 to compute and synchronize the multi-media message." Thus, in accordance with the disclosure of Ostermann, the entire message is presented via streaming. There is no teaching or suggestion in Ostermann that the message contains both streamable and non-streamable components.

Further, in accordance with embodiments of the present invention, it is the user agent which initiates the streaming session based upon the session description data. For example, once the descriptor, or location, of the session description data is obtained, the user agent may then extract the information and initiate streaming. See, e.g., Specification, paragraphs [0060]-[0064] and [0107]. Accordingly, independent claim 1 recites a method in which the user agent initiates "a streaming session, using the descriptor, to retrieve the stored streamable media component described by the descriptor." Independent claims 9, 19, 26, 28, 36 and 37 each recite a similar feature.

Again, Ostermann fails to teach or suggest this feature of the claimed invention. In accordance with Ostermann, if the server sends the animation parameters to the client software, there is no streaming session. See Ostermann, col. 9, line 64- col. 10, line 2. Alternatively, if the delivery of the animation is via streaming, the session is initiated by the server, not the user agent. See Ostermann, col. 10, lines 3-6. Thus, Ostermann fails to teach or suggest any case in which the user agent initiates the streaming session.

For at least the above-noted reasons, independent claims 1, 9, 19, 26, 28, 36 and 37 are patentable. Claims 2-4 and 7-8 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 10-16 and 18 depend from allowable claim 9, claims 20-22 and 24-25 depend from allowable claim 19, claim 27 depends from allowable claim 26, and claims 29-33 and 35 depend from allowable claim 28. Therefore, claims 2-4, 7-8, 10-16, 18, 20-22, 24-25, 27, 29-33 and 35 are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Rejections under 35 U.S.C. § 103

Claims 5, 17, 23 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Ostermann in view of U.S. Patent Publication No. 20020027562 to Kimble. Applicant respectfully traverses this rejection for at least the following reasons.

Claim 5 depends from allowable claim 1, claim 17 depends from allowable claim 9, claim 23 depends from allowable claim 19, and claim 34 depends from allowable claim 28. Therefore, claims 5, 17, 23 and 34 are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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